



रजिस्टर्ड नं० पी०/एस० एम० 14.

राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, 4 अप्रैल, 1984/15 चैत्र, 1906

हिमाचल प्रदेश सरकार

HIMACHAL PRADESH VIDHAN SABHA SECRETARIAT

NOTIFICATIONS

Shimla-171004, the 2nd April, 1984

No.1-16/84-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1973, The Himachal Pradesh

571-राजपत्र/84-4-4-84-1,145.

(577)

मूल्य : 20 पैसे

Ayurvedic and Unani Practitioners (Amendment) Bill, 1984 (Bill No. 9 of 1984) having been introduced on the 2nd April, 1984, in the Himachal Pradesh, Vidhan Sabha, is hereby published in the Gazette.

V. VERMA,
Secretary.

Bill No. 9 of 1984.

**THE HIMACHAL PRADESH AYURVEDIC AND UNANI
PRACTITIONERS (AMENDMENT) BILL, 1984**

(As INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A
BILL

further to amend the Himachal Pradesh Ayurvedic and Unani Practitioners Act, 1968 (Act No. 21 of 1968).

BE it enacted by the Legislative Assembly of the Himachal Pradesh in the Thirty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Ayurvedic and Unani Practitioners (Amendment) Act, 1984.

Short title
and com-
mencement.

(2) It shall come into force at once.

2. In sub-section (6) of section 3 of the Himachal Pradesh Ayurvedic and Unani Practitioners Act, 1968 for the words "seven years" occurring between the words "exceeding" and "from" the words "fifteen years" shall and shall be deemed to have been substituted, with effect from the 17th March, 1971 i.e. the day on which the principal act came into force.

Amendment
of section
3.

STATEMENT OF OBJECTS AND REASONS

Sub-section (6) of section 3 of the Himachal Pradesh Ayurvedic and Unani Practitioners Act, 1968 as amended by the Himachal Pradesh Act No. 14 of 1978, provides that until the Board is established and constituted in accordance with the provisions of sub-section (1) of section 3 of the Act *ibid* the State Government may constitute an interim Board for a period not exceeding seven years for the purpose of carrying out all the provisions of the said Act. The said period of seven years has since been expired on the 16th March 1978. Under clause (c) of sub-section (1) of section 3 of the Act, five members are to be elected by the registered practitioners from amongst themselves. Since the process of registration under the Act, has not so far been completed, it is not possible to constitute the regular Board under sub-section (1) of section 3 of the Act *ibid*. Unless the maximum period for which the interim Board can be constituted under sub-section (6) of section 3 is extended it is not possible to complete the process of registration and to constitute the Board under sub-section (1) of section 3 of the Act *ibid* and as such the State Government has decided to extend this period of seven years to fifteen years. In light of this it has become necessary to amend sub-section (6) of section 3 of the said Act.

This Bill seeks to achieve the aforesaid objects.

DEVI SINGH,
Minister-in-charge.

SHIMLA :
The 2nd April, 1984.

FINANCIAL MEMORANDUM

Nil

MEMORANDUM REGARDING DELEGATED LEGISLATION

Nil

Shimla-171004, the 2nd April, 1984

No. 1-24/84-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1984, The Himachal Pradesh Scheduled Castes Development Corporation (Amendment) Bill, 1984 (Bill No. 6 of 1984) having been introduced on the 2nd April, 1984, in the Himachal Pradesh Vidhan Sabha, is hereby published in the Gazette.

V. VERMA,
Secretary.

Bill No. 6 of 1984.

THE HIMACHAL PRADESH SCHEDULED CASTES DEVELOPMENT CORPORATION (AMENDMENT) BILL, 1984

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

further to amend the Himachal Pradesh Scheduled Castes Development Corporation Act, 1979 (Act No. 20 of 1979).

BE it enacted by the Legislative Assembly of the Himachal Pradesh in the Thirty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Scheduled Castes Development Corporation (Amendment) Act, 1984:

Short title and commencement.

(2) It shall come into force at once.

2. After the word "Castes" but before the word "Development" occurring in the long title, preamble and section 1 of the Himachal Pradesh Scheduled Castes Development Corporation Act, 1979 (hereinafter called the principal Act), the words "and Scheduled Tribes" shall be inserted.

Amendment of long title, preamble and section 1.

3. In section 2 of the principal Act,—

Amendment of section 2.

(i) for clause (d) the following clause (d) shall be substituted, namely:—

"(d) 'Chairman' means the Chairman of the Corporation;";

(ii) after clause (d) so amended, the following new clause (dd) shall be inserted, namely:—

"(dd) 'Collector' means the Collector of the District and includes any other officer, not below the rank of the Assistant Collector of the 1st Grade, empowered by the State Government to discharge the functions of the Collector for the purposes of this Act;";

(iii) after the word "Castes" but before the word "Development" occurring in clause (e), the words "and Scheduled Tribes" shall be inserted;

(iv) the words "and the vice-chairman" occurring in clause (f) shall be omitted;

(v) after clause (k) the following new clause (kk) shall be inserted, namely:—

"(kk) 'schedule' means the schedule appended to this Act;";

(vi) for clause (m), the following clause (m) shall be substituted, namely:—

"(m) 'scheduled castes organisation' or 'scheduled tribes organisation' means a firm registered under the Partnership Act, 1932, an association registered under the Societies Registration Act, 1860, or a co-operative society registered under the Himachal Pradesh Co-operative Societies Act, 1968, in

- which not less than fifty-one per cent of the paid up capital is held by the members of the scheduled castes, or as the case may be by the members of the scheduled tribes;"; and
 (vii) after clause (m) so amended, the following new clause (mm) shall be inserted, namely:—
 "(mm) 'scheduled tribes' shall have the same meaning as assigned to it in Clause (25) of Article 366 of the Constitution of India;".

Amendment of heading of Chapter-II. 4. In the headline of Chapter II of the principal Act, after the word "CASTES" but before the word "DEVELOPMENT" the words "AND SCHEDULED TRIBES" shall be inserted.

Amendment of section 3. 5. In the principal Act for the words "Scheduled Castes Development Corporation" occurring in section 3, and in its heading, the words "Scheduled Castes and Scheduled Tribes Development Corporation" shall be substituted.

Amendment of section 5. 6. In section 5 of the principal Act, for the words "five crores" wherever these occur, the words "ten crores" shall be substituted.

Amendment of section 6. 7. In sub-section (2) of section 6 of the principal Act, the words "scheduled castes" shall be substituted with the words "scheduled castes and scheduled tribes".

Substitution of section 7. 8. For section 7 of the principal Act, the following section 7 shall be substituted, namely:—

"7. Board of directors.—(1) The Board shall consist of sixteen directors who shall be nominated by the State Government:

Provided that not less than two directors shall be nominated from amongst the officers serving the State Government in the Department of Welfare and the remaining shall be nominated from amongst the persons who have special knowledge of industries, handicrafts, animal husbandry, agriculture, agro-industries, water development projects, finance, co-operative and financial institutions:

Provided further that not less than two directors shall be non-officials belonging to the scheduled castes and at least one director shall be non-official belonging to the scheduled tribes.

(2) The State Government shall nominate any of the directors appointed under sub-section (1) to be the Chairman of the Corporation.

(3) On the occurrence of any vacancy in the office of the Chairman or a director due to death, resignation or otherwise, the same shall be filled up by the State Government in the manner provided in sub-section (1) or in sub-section (2), as the case may be.

(4) The Chairman shall perform such duties and exercise such powers as may be assigned to him or conferred upon him by the Board under sub-section (2) of section 15 of this Act.

(5) Subject to the provisions of this Act, the conditions of appointment of the Chairman and the directors and the fees and allowances payable to them shall be such as may be prescribed."

Substitution of section 8. 9. For section 8 of the principal Act the following section 8 shall be substituted, namely:—

"8. Term of office.—The Chairman and other directors shall hold office during the pleasure of the State Government."

10. For section 11 and its heading the following section 11, along-with its heading, shall be substituted, namely:—

Amendment
of section
11.

“11. *Resignation.*—A director may resign his office by giving notice thereof in writing to the State Government and on such resignation being accepted he shall be deemed to have vacated his office.”

11. In section 12 of the principal Act,—

Amendment
of section
12.

- (a) the words and sign “the vice-chairman, and in the absence of both” occurring in sub-section (2) shall be omitted; and
- (b) for the words and signs “the chairman, the vice-chairman or the person presiding, as the case may be,” occurring in sub-section (3), the words and signs “the Chairman, or in his absence the person presiding,” shall be substituted.

12. The words and sign “the vice-chairman,” occurring in sub-section (2) of section 15 of the principal Act shall be omitted.

Amendment
of section
15.

13. In section 16 of the principal Act,—

Amendment
of section
16.

- (a) after the words “scheduled castes” occurring in sub-section (1) and item (vi) of sub-section (2), the words “and the scheduled tribes” shall be inserted;
- (b) for the words “the member of scheduled castes” occurring in item (i) of sub-section (2), the words “the members of the scheduled castes or the scheduled tribes” shall be substituted; and
- (c) for the words “scheduled castes or scheduled castes organisations” occurring in items (iii), (iv), (vii) and (viii) of sub-section (2), the words “the scheduled castes and the scheduled tribes or the scheduled castes and the scheduled tribes organisations” shall be substituted.

14. After section 26 of the principal Act, the following new sections 26-A and 26-B, alongwith their headings, shall be inserted, namely:—

Insertion of
sections 26-
A and 26-B.

“26-A. *Recovery of certain dues of banks as arrears of land revenue.*—

- (1) Where a bank, on an application sponsored by the Corporation has, under the tie up arrangements with the Corporation, advanced loan to a person and such person—
 - (i) makes any default in repayment of loan or advance including interest, or any instalment thereof; or
 - (ii) having become liable either under the conditions of the grant of loan or under section 25, makes any default in the refund or repayment of such loans or any portion thereof; or
 - (iii) otherwise fails to comply with the terms of the agreement;

then a bank or its authorised officer, by whatever name called, may send a certificate in the form given in the schedule to the Collector mentioning the sum due from such person and requesting that such sum, together with interest accrued upto the date of recovery along with the collection charges, be recovered as if it were an arrear of land revenue.

- (2) A certificate sent under sub-section (1) shall be conclusive proof of the matter stated therein and the Collector on receiving such certificate shall proceed to recover the amount stated therein as an arrear of land revenue.
- (3) Nothing in this section shall,—
- affect any interest of the State Government, a banking company, a corporation or a Government company in any property created by any mortgage, charge, pledge or other encumbrance; or
 - bar a suit or affect any right or remedy against any person referred to in sub-section (1), in respect of a contract of indemnity or guarantee entered in relation to an agreement under this Act or the rules framed thereunder or in respect of any interest referred to in clause (a) of this sub-section.

26-B. Collection charges.—A bank availing the services of the Collector under section 26-A, shall pay collection charges to the Government at such rates as may from time to time be notified by the State Government in the Official Gazette."

Amendment
of section
27.

15. For the words "the dues of the Corporation as determined under the preceding section of this Act" occurring in section 27 of the principal Act, the words, figures and alphabet "the dues of the Corporation as determined in section 26 and of the bank as determined in section 26-A" shall be substituted.

Insertion of
section 29-
A.

16. After section 29 of the principal Act, the following new section 29-A, alongwith its heading, shall be inserted, namely:—

"29-A. Laying of the annual and audit reports before the State Legislative Assembly.—The State Government shall, as soon as may be after the annual and audit reports in relation to the working of the Corporation are furnished to it by the Corporation under sub-section (4) of section 29, but within a period of nine months computed from the close of the financial year to which such reports pertain, cause the said annual and audit reports to be laid before the State Legislative Assembly."

Amendment
of section
38.

17. For clause (a) of sub-section (2) of section 38 of the principal Act, the following clause (a) shall be substituted, namely:—

"(a) the conditions of the appointment of the Chairman and other directors and fees and allowances payable to them;"

Insertion of
schedule.

18. At the end of the principal Act, the following schedule shall be inserted, namely:—

"SCHEDULE

[See section 2 (kk) and section 26-A]

OFFICE OF THE MANAGER/MANAGING DIRECTOR.....

.....

Certified—

- (1) that a sum of Rs.....has been granted to Shri/
Smt.....r/o.....Tehsil.....
District..... for.....;
- (2) that a further sum of Rs.....has become
recoverable from the said loanee by way of interest chargeable at the
rate of.....;
- (3) that the said Shri/Smt.....has/
have not refunded either the principal or the interest recoverable
from him/her and is reluctant to do so; and
- (4) that the total sum of Rs.....(Rupees.....
as principal and Rs.....as interest) has become
recoverable from him/her;

Now, therefore, it is requested that the said sum of Rs.....
.....(Rupees.....) along with the collection charges
may kindly be recovered as arrears of land revenue under section 26-A
of the Himachal Pradesh Scheduled Castes and Scheduled Tribes
Development Corporation Act, 1979.

Manager/Managing Director.
.....Bank.”

To,
The Collector,
.....District.

STATEMENT OF OBJECTS AND REASONS

Under the Himachal Pradesh Scheduled Castes Development Corporation Act, 1979 (Act No. 20 of 1979), which has been enacted for the upliftment of the Scheduled Castes, the financial assistance can be provided only to the members of the Scheduled Castes. In order to provide fiscal assistance for the advancement of the tribal population in the State, it has become necessary to extend the aforesaid Act to the Scheduled Tribes by making suitable amendments in the said Act. Further, for the better management of the affairs of the Himachal Pradesh Scheduled Castes Development Corporation, it is also considered necessary to provide for the appointment of a person other than the Minister-in-charge as the Chairman of the Corporation and to omit the office of the Vice-Chairman. The directors will henceforth hold their offices at pleasure of the State Government. Furthermore, under the said Act, the Corporation is providing margin money in order to facilitate raising of bank loans for income generating schemes/projects. 25% of the loan amount (subject to a ceiling of Rs. 15,000) is provided by the Corporation as margin money and the balance of 75% is provided as loan by the bank, which has entered into tie up arrangements with the Corporation. In so far as the Corporation is concerned, it is already provided in the Act that outstanding loans can be recovered as arrears of land revenue. In order to provide incentive to the banks for the investment of their available funds as loans to persons, who are to be extended the fiscal assistance under the Act, it has become essential to make provision for speedy recovery of the bank money as arrears of land revenue.

Further, in order to make it obligatory to lay annual and audit reports in relation to the functioning of the Himachal Pradesh Scheduled Castes Development Corporation before the State Legislative Assembly, it has been decided to insert section 29-A in the principal Act.

The Bill seeks to achieve the aforesaid objectives.

DEVI SINGH,
Minister-in-charge.

SHIMLA:

The 2nd April, 1984.

FINANCIAL MEMORANDUM

Clauses 2 to 7 and 13 of the Bill seek to extend the provisions of the principal Act to the Scheduled Tribes so that Himachal Pradesh Scheduled Castes Development Corporation may also undertake the task of economic uplift of the tribals of the Pradesh.

Clauses 8 to 11 provide for the appointment of the Chairman of the Corporation instead of its Vice-Chairman and to increase the existing number of directors from 12 to 16 (including the Chairman).

Clauses 14, 15 and 18 make provisions for the recovery of dues of the banks as arrears of land revenue. The proposed recoveries are to be got effected through the existing machinery of the State Government. However, an income on account of collection charges to be levied under section 26-B proposed to be inserted is likely to be to the tune of Rs. fifty thousand per annum. Since the quantum of the expenditure likely to be involved depends upon the nature and extent of various developmental activities, it is not possible to work out the exact expenditure to be incurred out of the State exchequer.

Tentatively speaking, the provisions contained in the Bill, when enacted will involve an additional recurring expenditure out of the State exchequer to the tune of Rs. 10.00 lakhs and there will be no non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill proposes to provide for laying down the conditions of appointment of the Chairman of the Board. This delegation is essential and normal in character.

RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE
CONSTITUTION OF INDIA

[Welfare Department File No. Kalyan-K(3)-1/79]

The Governor, Himachal Pradesh, having been informed of the subject matter of the Himachal Pradesh Scheduled Castes Development Corporation (Amendment) Bill, 1984, recommends, under Article 207 of the Constitution of India, the introduction and consideration of the Bill in the Legislative Assembly.

Shimla-171004, the 2nd April, 1984

No. 1-25/84-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh, Legislative Assembly, 1973, The Colonisation of Government Lands (Punjab) Himachal Pradesh Repealing) Bill, 1984 (Bill No. 10 1984) having been introduced on the 2nd April, 1984, in the Himachal Pradesh Vidhan Sabha, is hereby published in the Gazette.

V. VERMA,
Secretary.

1984 का विधेयक संख्यांक 10.

सरकारी भूमि का उपनिवेशन (पंजाब) (हिमाचल प्रदेश निरसन) विधेयक, 1984

(विधान सभा में यथा पुरःस्थापित)

सरकारी भूमि का उपनिवेशन (पंजाब) अधिनियम, 1912

(1912 का 5) के निरसन के लिए

विधेयक ।

भारत गणराज्य के पैंतीसवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित होः—

1. (1) इस अधिनियम का संक्षिप्त नाम सरकारी भूमि का उपनिवेशन (पंजाब) (हिमाचल प्रदेश निरसन) अधिनियम, 1984 है। संक्षिप्त नाम और प्रारम्भ ।

(2) यह तुरन्त प्रवृत्त होगा ।

2. पंजाब पुनर्गठन अधिनियम, 1966 की धारा 5 द्वारा हिमाचल प्रदेश में जोड़े गए क्षेत्रों में यथा प्रवृत्त सरकारी भूमि का उपनिवेशन (पंजाब) अधिनियम, 1912 को एतद्द्वारा निरसित किया जाता है : सरकारी भूमि का उपनिवेशन (पंजाब) अधिनियम, 1912 का निरसन ।

परन्तु यह निरसन—

(क) ऐसे निरसित अधिनियम के पूर्व प्रवर्तन पर या तद्धीन सम्बन्धक रूप से की गई या सहन की गई किसी भी बात पर; या

(ख) ऐसे निरसित अधिनियम के अधीन अर्जित, प्रोदभूत या उपगत किसी अधिकार, विशेषाधिकार, बाध्यता या दायित्व पर; या

(ग) पूर्वोक्त ऐसे किसी अधिकार, विशेषाधिकार, बाध्यता या दायित्व के बारे में किसी अन्वेषण, विधिक कार्यवाही या उपचार पर;

प्रभाव न डालेगा और ऐसा कोई अन्वेषण, विधिक कार्यवाही, या उपचार ऐसे संस्थित किया जा सकेगा, चालू रखा जा सकेगा या प्रवर्तित किया जा सकेगा मानो यह अधिनियम पारित नहीं किया गया था ।

1966 का
31
1912 का
5

उद्देश्यों तथा कारणों का कथन

पंजाब पुनर्गठन अधिनियम, 1966 की धारा 5 के अन्तर्गत हिमाचल प्रदेश में जोड़े गए क्षेत्रों में सरकारों भूमि का उपनिवेशन (पंजाब) अधिनियम, 1912 प्रवृत्त है। परन्तु प्रथम नवम्बर, 1966 से ठीक पूर्व हिमाचल प्रदेश में समाविष्ट क्षेत्रों में ऐसी कोई भी विधि प्रवृत्त नहीं है। क्योंकि परिवर्तित परिस्थितियों में यह अपनी उपयोगिता खो चुका है और अप्रचलित बन गया है। अतः इस अधिनियम को संविधि-संग्रह में रखने की आवश्यकता नहीं रह गई है। अतः इस अधिनियम को, जहां तक वह हिमाचल प्रदेश राज्य में लागू है, निरसित करना आवश्यक समझा गया है। इस विधेयक द्वारा यही उद्देश्य प्राप्त करना है।

शिमला :
दिनांक अप्रैल 2, 1984.

शिव कुमार,
प्रभारी मन्त्री।

वित्तीय ज्ञापन

शून्य

प्रत्यायोजित विधान सम्बन्धी ज्ञापन

शून्य

[Authorised English text of Sarkari Bhumi Ka Upniveshan (Punjab) (Himachal Pradesh Nirsan) Vidheyak, 1984 as required under Article 348 (3) of the Constitution of India]

Bill No. 10 of 1984.

**THE COLONISATION OF GOVERNMENT LANDS (PUNJAB)
(HIMACHAL PRADESH REPEALING) BILL, 1984**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

to repeal the Colonisation of Government Lands (Punjab) Act, 1912 (Act No. 5 of 1912).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-fifth Year of the Republic of India as follows :—

1. (1) This Act may be called the Colonisation of Government Lands (Punjab) (Himachal Pradesh Repealing) Act, 1984.

Short title
and com-
mencement.

(2) It shall come into force at once.

2. The Colonisation of Government Lands (Punjab) Act, 1912, as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966, is hereby repealed:

Repeal of
the Coloni-
sation of
Governmet
Lands (Pb
Act, 1912.

Provided that such repeal shall not affect—

(a) the previous operation of the Act so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed; or

(c) any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation or liability as afore-said;

and any such investigation, legal proceedings or remedy may be instituted, continued or enforced as if this Act had not been passed.

5 of 1912

31 of 1966

STATEMENT OF OBJECTS AND REASONS

The Colonisation of Government Lands (Punjab) Act, 1912 is in-force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966. But there is no such law in-force in the areas which comprised in Himachal, immediately before the 1st November, 1966. This Act is no longer required to be retained on the statute book because it has in the changed circumstances out-lived its utility and has become obsolete. It has, therefore, been considered necessary to repeal this enactment in its application to the State of Himachal Pradesh.

This Bill seeks to achieve the aforesaid object.

SIMLA:
The 2nd April, 1984.

SHIV KUMAR,
Minister-in-charge.

FINANCIAL MEMORANDUM

Nil

MEMORANDUM REGARDING DELEGATED LEGISLATION

Nil



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, वीरवार, 5 अप्रैल, 1984/16 चैत्र, 1906

हिमाचल प्रदेश सरकार

HIMACHAL PRADESH STATE LOTTERIES

"HIMALAYAN WEEKLY"

Result of 185th Draw held at Shimla on 3-4-1984

First Prize : (6) Rs. 1,00,000.00 each

HH

223194

521937

Consolation Prize : (12) Rs. 1,000.00 each

HH

788449

122716

750765

211224

Second Prize : (3) Rs. 20,000.00 each

HH

233920

(Two prizes in each series) :

HJ

788479

123716

HJ

222194

523937

750765

211224

(One prize in each series):

HJ

537952

HK

750765

211224

HK

223194

521937

788449

122716

HK

784460